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July 25, 2022

Via CM/ECF

Hon. Andre Espinosa
United States Magistrate Judge
Martin Luther King Jr. Courthouse
50 Walnut Street, Rm 2037, Court Rm 2D
Newark, NJ 07102

Re: Paul Goroff vs. Thieman Tailgates, Inc., et. al.
Docket #: 2:21-cv-09668-KM-AME
Our File No: 7023

Dear Judge Espinosa:

Our office represents the Plaintiff in the above matter. We submit this joint letter pursuant to the Court's Text Order issued July 6, 2022 [D.E. 76] (the "Order") and after consultation and either approval or no objection raised from any counsel in the above action.

The parties continue to agree that the parts of the liftgate Plaintiff claims failed shall be maintained by the Monster Defendants until the trial of this Action.

Defendants have completed all of the medical examinations of the Plaintiff.

Defendants Thieman and Weigers have exchanged the reports from Defendants' Urologist, Economist and Psychiatrist. Defendants shall produce their orthopedic report on or before August 31, 2022.

Counsel for the Monster defendants, Dennis J. Loffredo, advised that after his vacation he reached out to the adjuster to check on the status of the possible Declaratory Judgment action. He said that he spoke to the adjuster on several occasions. During his last conversation with the adjuster on July 20, 2022, the adjuster requested documentation which he provided and that the adjuster would be out of the office until Monday, July 25. Mr. Loffredo promised to follow up with the adjuster on July 25 to obtain an update with regard to getting the Declaratory Judgment action approved and to find out when he could expect it to be filed. He promised to update the Court and counsel after he speaks to her. All counsel but Mr. Loffredo have agreed to attend a mediation in an attempt to discuss possible settlement.

Accordingly, the parties request that the deadline for expert depositions be extended from September 30, 2022 to October 14, 2022.

Thieman submits that Ohio law, including its tort reform law, applies to the claims against Defendant Franks Truck Center submits that New Jersey law should be applied. Plaintiff submits that New York law should apply. Defendant Wieggers submits that New Jersey law should be applied. Finally, Mr. Loffredo, counsel for the Monster Defendants, is still researching whether New Jersey or New York Law should apply and requested additional time in this regard.

We look forward to addressing these issues with the Court.

Respectfully,

Bruce J. Cheriff

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cc: All Counsel of Record (Via Electronic Filing and email)